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Message Text

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44
ORIGIN SCI-06

INFO OCT-01 EUR-25 ISO-00 L-03 EB-11 COME-00 TRSE-00 PA-03

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ACDA-19 PM-07 NASA-04 NSC-10 IO-15 /131 R

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APPROVED BY SCI/SA:AERICHMOND,JR.
L/SCI - MR. MAURER
L/EB - MR. PRESSLER (SUB)
EUR/WE - MR. MAGEE
COMM/DIB - MR. SEPPA (PARA 1)
TREAS/CUSTOMS - MR. HEGLAND (PARA
HAWAII DEP.ATTY.GEN-MR. WOOD (SUB)
1)
PA/GOV - MR. TOOMEY (INFO)
---------- 101100
R 282003Z SEP 73
FM SECSTATE WASHDC
TO AMEMBASSY PARIS
INFO AMEMBASSY OTTAWA
CINCPAC

UNCLAS STATE 193617

E.O. 11652: N/A
TAGS: TGEN, TPHY, FR, CA
SUBJECT: FRANCE-CANADA-HAWAII TELESCOPE

REF: PARIS 24917; OTTAWA 2297

CINCPAC FOR POLAD

POLAD PASS UNIV. OF HAWAII PRES. HARLAN CLEVELAND,
DRS. GORTEN AND JEFFERIES, DEP. ATTY. GEN. WOOD

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MSG. IN II PARTS

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PART I FOR PARIS

1. EMB REQUESTED TO PREPARE AND DELIVER FOLLOWING NOTE TO GOF IN REPLY TO GOF NOTE OF SEPT. 21, 1973 CONCERNING THE FRANCE-CANADA-HAWAII TELESCOPE (PARIS 24917):

"THE DEPT. OF STATE ACKNOWLEDGES RECEIPT OF NOTE NO. ---- OF THE MINISTRY OF FOREIGN AFFAIRS EXPRESSING INTEREST IN THE COOPERATIVE UNDERTAKING BETWEEN THE CENTRE NATIONAL DE LA RECHERCHE SCIENTIFIQUE OF FRANCE, THE NATIONAL RESEARCH COUNCIL OF CANADA AND THE UNIV. OF HAWAII TO CONSTRUCT AND UTILIZE IN COMMON A 3.60 METER TELESCOPE AT MAUNA KEA, HAWAII.

THE DEPT. OF STATE IS PLEASED TO ADVISE THE MINISTRY OF FOREIGN AFFAIRS THAT THE DEPT. FINDS THE PROJECT ACCEPTABLE FROM A FOREIGN RELATIONS STANDPOINT.

THE DEPT. OF STATE UNDERSTANDS THAT THE ORGANIZATION BEING INCORPORATED IN A STATE OF THE UNITED STATES OF AMERICA, THAT IS THE STATE OF HAWAII, WILL BENEFIT IN CONFORMITY WITH APPLICABLE LAWS FROM ALL FACILITIES ACCORDED TO NON-PROFIT SCIENTIFIC AND EDUCATIONAL CORPORATIONS IN THE UNITED STATES OF AMERICA INCLUDING, AS APPROPRIATE, PROVISIONS OF THE FLORENCE AGREEMENT ON THE IMPORTATION OF EDUCATIONAL SCIENTIFIC AND CULTURAL MATERIALS WITH ANNEXED PROTOCOL, DONE AT NEW YORK NOW . 22, 1950.

THE DEPT. OF STATE IS FURTHER PREPARED TO SUPPORT THROUGH APPROPRIATE MEANS, REQUESTS FOR CUSTOMS DUTY RELIEF CONSISTENT WITH LAW. IT SHOULD BE NOTED, HOWEVER, THAT THE RESPONSIBILITY FOR INITIATING REQUESTS FOR SUCH RELIEF WILL REST WITH THE ORGANIZATION BEING INCORPORATED IN THE STATE OF HAWAII OR OTHER APPROPRIATE IMPORTING INSTITUTION OR AGENCY."

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PART II FOR PARIS & OTTAWA

FOLLOWING FYI AND GUIDANCE

2. DEPT REPLY TO CANADIAN NOTE SENT OTTAWA SEPTEL. GOV. OF HAWAII WILL ALSO SEND LETTER TO CANADIAN AMBASSADOR IN WASH. GIVING HAWAIIAN APPROVAL.

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3. DEPT. BY ITS REPLY IS INDICATING ITS SUPPORT FOR THE PROJECT, IN THE CONTEXT OF U.S. FOREIGN AFFAIRS INTERESTS AND ITS INTENTION TO FACILITATE THE PROJECT IN AN APPROPRIATE MANNER, CONSISTENT WITH LAW, WHEN REQUESTED. DEPT. HAS NOTIFIED HAWAII OF ITS SUPPORT OF PROJECT.

DEPT., HOWEVER, DOES NOT INTERPRET THIS EXCHANGE OF NOTES AS ENTERING INTO AN AGREEMENT FORMALLY APPROVING THE PROJECT AND PARTICULARLY THE MEMORANDUM BETWEEN THE PARTIES AS SUCH APPROVAL IS RESPONSIBILITY OF PARTIES. FOR THIS REASON UNIV. OF HAWAII APPROVAL WILL BE GIVEN IN SEPARATE LETTER. WE WILL CABLE TEXT OF LETTER.

4. MEETING OF INTERIM BOARD IN WASHINGTON SEPT. 24-26 PRODUCTIVE. DEPT. ADVISED BOARD OF ESSENTIAL ELEMENTS OF U.S. RESPONSE TO GOF AND GOC NOTES. THERE WAS NO OBJECTION FROM CNRS OR NRC. PARTIES SIGNED THE MEMORANDUM AFTER SETTLING QUESTION REGARDING ROLE OF ICJ IN ARBITRATION OF DISPUTES. HOWEVER, PAPERS UNDATED AND WILL NOT GO INTO EFFECT UNTIL EXCHANGE OF NOTES COMPLETED, AND MINISTRY OF FOREIGN AFFAIRS HAS ADVISED CNRS OF ITS SATISFACTION. BOARD ALSO RETAINED COUNSEL TO ADVISE ON CUSTOMS, DUTIES AND RELATED AREAS. END FYI. KISSINGER

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